

Construction and Operation, Site Selection, Lake Arcadia, City of Guthrie or Fort Reno, Logan, Canadian or Oklahoma County, OK.

**Summary:** EPA had no objections to the proposed project as described in the Final EIS.

#### Regulations

**ERP No. R-CGD-A59010-00** 33 CFR part 157: Structural and Operational Measures to Reduce Oil Spills from Existing Tank Vessels Without Double Hulls; Proposed Rules (58 FR 54870).

**Summary:** EPA concurred with the Coast Guard's proposed rule regarding interim protection measures recommended to safeguard United States seas from oil spills. This rule is to be in effect until 2015, when double hulls will be mandatory for oil carrying vessels over the weight of 5,000 pounds.

Dated: December 13, 1993.

William D. Dickerson,

Deputy Director, Office of Federal Activities.  
[FR Doc. 93-30889 Filed 12-16-93; 8:45 am]  
BILLING CODE 6560-58-P

[ER-FRL-4706-5]

#### Environmental Impact Statements; Availability

**RESPONSIBLE AGENCY:** Office of Federal Activities, General Information (202) 260-5076 or (202) 260-5075. Weekly receipt of Environmental Impact Statements Filed December 6, 1993 Through December 10, 1993 Pursuant to 40 CFR 1506.9.

**EIS No. 930439, FINAL EIS, EPA, FL,** Cedar Bay Cogeneration Facility, Construction and Operation, NPDES Permit, Duval County, FL, Due: January 18, 1994, Contact: Heinz Mueller (404) 347-3776.

**EIS No. 930440, DRAFT EIS, FAA, DC,** Airport Surveillance Radar Model 9 (ASR-9) Facility to support the Washington National Airport and security coverage over the White House and Capitol Building, Site Selection, Construction and Operation, Washington, DC, Due: January 31, 1994, Contact: Mike Lanz (718) 553-1198.

**EIS No. 930441, FINAL EIS, BLM, NM,** Dark Canyon Special Management Area, Oil and Gas Leasing, Permit for Approval to Drill near Carlsbad Caverns National Park, Eddy County, NM, Due: January 18, 1994, Contact: Joe Incardine (505) 438-7458.

**EIS No. 930442, LEGISLATIVE DRAFT,** AFS, OR, Willows River Wild and Scenic River Study, Designation or Nondesignation in the National Wild and Scenic Rivers System, Umatilla

National Forests, Union and Willows Counties, OR, Due: January 31, 1994, Contact: Steve Davis (503) 523-6391.

Dated: December 13, 1993

William D. Dickerson

Deputy Director, Office

[FR Doc. 93-30888 F

BILLING CODE: 6560-50-

EXHIBIT

P-48

#### Toxics Data Reporting Subcommittee of the Environmental Information and Assessments Committee National Advisory Council for Environmental Policy and Technology; Public Meeting

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of public meeting.

**SUMMARY:** Under the Federal Advisory Committee Act, EPA gives notice of a 2 day meeting of the Toxics Data Reporting subcommittee of the National Advisory Council for Environmental Policy and Technology. This will be the fifth meeting of the Toxics Data Reporting subcommittee, whose mission is to provide advice to EPA regarding the Agency's Toxics Release Inventory (TRI) Program.

**DATES:** The public meeting will take place on January 13, 1994 from 8:30 a.m. to 5 p.m., and January 14, 1994 from 8:30 a.m. to 3 p.m. Members of the public wishing to make comments at this meeting should submit their comments, in writing, by January 6, 1994.

**ADDRESSES:** The public meeting will be held at the Bellevue Hotel, Lexington Room, 15 E Street, Northwest, Washington, DC 20001 (202-638-0900). Written comments must be submitted to: U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Attn: Sam Sasnett, 7408.

**FOR FURTHER INFORMATION CONTACT:** Cassandra Vail, Environmental Assistance Division, U.S. Environmental Protection Agency, Mail Stop 7408, 401 M St., SW., Washington, DC 20460 Telephone: 202-260-0675.

**SUPPLEMENTARY INFORMATION:** EPA is proposing that the subcommittee discuss the following subjects: Expansion of the facilities subject to reporting under TRI, development of the subcommittee's report on its previously discussed sufficiency of the new data elements in meeting the mandate of the Pollution Prevention Act. The agenda for the two days will focus on those topics.

Dated: December 13, 1993.

David J. Graham,

Designated Federal Official, Office of Cooperative Environmental Management.

[FR Doc. 93-30861 Filed 12-16-93; 8:45 am]

BILLING CODE 6560-58-M

[FRL-4815-1]

#### State of Alabama: Partial Program Adequacy Determination of State/Tribal Municipal Solid Waste Permit Program

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of tentative determination on partial program application of the State of Alabama for partial program adequacy determination, public hearing and public comment period.

**SUMMARY:** Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that municipal solid waste landfills (MSWLFs) which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR part 258). RCRA section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether States have adequate "permit" programs for MSWLFs, but does not mandate issuance of a rule for such determinations. EPA has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR) that will provide procedures by which EPA will approve, or partially approve, State/Tribal landfill permit programs. The Agency intends to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to promulgation of STIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State/Tribal permit programs provide interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in State/Tribes with approved permit programs can use the site-specific flexibility provided by part 258 to the extent the State/Tribal permit program allows such flexibility.

EPA notes that regardless of the approval status of a State/Tribe and the permit status of any facility, the Federal landfill criteria will apply to all permitted and unpermitted MSWLF facilities.

The State of Alabama applied for a partial determination of adequacy under section 4005 of RCRA. Region IV of EPA reviewed the State of Alabama's application and made a tentative determination of adequacy for those portions of the State of Alabama's MSWLF permit program that are adequate to assure compliance with the revised MSWLF Criteria. These portions are described later in this notice. The State of Alabama plans to revise the remainder of its permit program to assure complete compliance with the revised MSWLF Criteria and gain full program approval. The State of Alabama's application for partial program adequacy determination is available for public review and comment.

Although RCRA does not require EPA to hold a public hearing on a determination to approve any State/Tribe's MSWLF program, the Region has scheduled an opportunity for a public hearing on this tentative determination. Details appear below in the **DATES** section.

**DATES:** All comments on Alabama's application for a partial determination of adequacy must be received by the close business on February 10, 1994 at the EPA Region IV Office of Solid Waste, or comments may be submitted during the public hearing. The public hearing will be held on February 10, 1994 at 7 p.m. The State will participate in the public hearing held by the EPA. Please contact the individual indicated as the contact below at least 72 hours before the hearing if special accommodations are required.

**ADDRESSES:** Written comments should be submitted to Ms. Patricia S. Zweig, mail code 4WD-OSW, EPA Region IV, Office of Solid Waste, 345 Courtland Street, NE., Atlanta, Georgia 30365.

The public hearing will be held at 1751 Congressman W.L. Dickinson Drive, Montgomery, Alabama in the Main Hearing Room.

Copies of Alabama's application for adequacy determination are available during the hours of 8 a.m. to 4:30 p.m. at the following addresses for inspection and copying: Solid Waste Section, Land Division, Alabama Department of Environmental Management, 1751 Congressman W. L. Dickinson Drive, Montgomery, Alabama 36130, Attn: Ms. Marilyn Elliott, telephone 205-271-7715; and U.S. EPA Region IV Library,

345 Courtland Street, NE., Atlanta, Georgia, 30365, Attn: Ms. Priscilla Pride, telephone 404-347-4216.

**FOR FURTHER INFORMATION CONTACT:** EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, Attn: Ms. Patricia S. Zweig, mail code 4WD-OSW, telephone 404-347-2091.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

On October 9, 1991, EPA promulgated revised Criteria for MSWLFs (40 CFR part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs to ensure that MSWLFs comply with the Federal Criteria under part 258. Subtitle D also requires in section 4005 that EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the revised Federal Criteria. To fulfill this requirement, the Agency has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

EPA intends to propose in STIR to allow partial approvals if: (1) The Regional Administrator determines that the State/Tribal permit program largely meets the requirements for ensuring compliance with part 258; (2) changes to limited narrow part(s) of the State/Tribal permit program are needed to meet these requirements; and (3) provisions not included in the partially approved portions of the State/Tribal permit program are a clearly identifiable and separable subset of part 258. These requirements, if promulgated, will address the potential problems posed by the dual State/Tribal and Federal programs that will come into effect in October 1993 in those States/Tribes that only have partial approvals of their MSWLF programs. On that date, Federal rules covering any portion of a State/Tribe's program that has not received EPA approval will become enforceable. Owners and operators of MSWLFs subject to such dual programs must be able to understand which requirements apply and comply with them. In addition, the pieces of the Federal program that are in effect must mesh well enough with the approved portions of the State/Tribal program to leave no significant gaps in regulatory control of MSWLF's. Partial approval would allow the Agency to approve those provisions of the State/Tribal permit program that meet the requirements and provide the

State/Tribe time to make necessary changes to the remaining portions of its program. As a result, owners/operators will be able to work with the State/Tribal permitting agency to take advantage of the Federal Criteria's flexibility for those portions of the program which have been approved.

As provided in the October 9, 1991 municipal solid waste landfill rule, EPA's national Subtitle D standards took effect on October 9, 1993. Consequently, any remaining portions of the Federal Criteria that are not included in an approved State/Tribal program apply directly to the owner/operator without any approved State/Tribal flexibility. On October 1, 1993, EPA published the Final Rule to extend the effective date of the landfill criteria for certain classifications of landfills (58 FR 51536). On October 14, 1993, EPA published corrections to the Final Rule to extend the effective date (58 FR 53137).

EPA intends to approve portions of State/Tribal MSWLF permit programs prior to the promulgation of STIR. EPA interprets the requirements for States or Tribes to develop "adequate" programs for permits or other forms of prior approval to impose several minimum requirements. First, each State/Tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to EPA's revised MSWLF criteria. Next, the State/Tribe must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State/Tribe also must provide for public participation in permit issuance and enforcement as required in section 7004(b) of RCRA. Finally, EPA believes that the State/Tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

EPA Regions will determine whether a State/Tribe has submitted an "Adequate" program based on the interpretation outlined above. EPA plans to provide more specific criteria for this evaluation when it proposes the State/Tribal Implementation Rule. EPA expects States/Tribes to meet all of these requirements for all elements of a MSWLF program before it gives full approval to a MSWLF program.

EPA also is requesting States/Tribes seeking partial program approval to provide a schedule for the submittal of all remaining portions of their MSWLF permit programs. EPA notes that it intends to propose to make submission of a schedule mandatory in STIR.

## B. State of Alabama

On July 9, 1993, the State of Alabama submitted an application for partial program adequacy determination. Region IV of EPA reviewed Alabama's application and tentatively determined that the State's Subtitle D program will ensure compliance with all portions of the Federal Criteria except for the Financial Assurance Criteria set forth in Subpart G. Alabama currently does not have statutory authority to promulgate or enforce financial assurance regulations, and therefore, is not requesting approval of this portion of their program. Alabama has submitted a schedule and intends to make statutory changes and subsequent regulatory changes to ensure that their program is fully comparable to the Federal criteria.

Not all States/Tribes will have existing permit programs through which they can ensure compliance with all provisions of the revised Federal Criteria. Were EPA to restrict a State/Tribe from submitting its application until it could ensure compliance with the entirety of 40 CFR part 258, many States/Tribes would need to postpone obtaining approval of their permit programs for a significant amount of time. This delay in determining the adequacy of the State/Tribal permit program while the State/Tribe revises its statutes or regulations could impose a substantial burden on owners and operators of landfills because the State/Tribe would be unable to exercise the flexibility available to States/Tribes with permit programs which have been approved as adequate.

As a State's/Tribe's regulations and statutes are amended to comply with the Federal MSWLF landfill regulations, unapproved portions of a partially approved MSWLF permit program may be approved by the EPA. The State/Tribe may submit an amended application to EPA for review and an adequacy determination will be made using the same criteria as for the initial application. This adequacy determination will be published in the Federal Register summarizing the Agency's decision and the portion(s) of the State/Tribal MSWLF permit program affected and providing an opportunity to comment for a period of 30 days. The adequacy determination will become effective sixty (60) days following publication if no adverse comments are received. If EPA receives adverse comments on its adequacy determination, another Federal Register notice will be published either affirming or reversing the initial decision while responding to the public comments.

To ensure compliance with all of the revised Federal Criteria, Alabama needs to revise particular aspects of its permit program. Alabama submitted a schedule indicating that it will be able to complete these revisions by January of 1995. To allow the State to begin exercising some of the flexibility allowed in States/Tribes with adequate permit programs, EPA is proposing to approve those portions of the State/Tribe's program that are ready for action today.

EPA reviewed the State's schedule and believes it is reasonable because it allows sufficient time for the legislative schedule and the rule making process, but it still will ensure that Alabama's financial assurance criteria are in effect by the date the Federal financial assurance criteria take effect.

The Alabama Department of Environmental Management (ADEM) believes that enabling legislation will be passed to authorize ADEM to adopt regulations for financial assurance by July, 1994. If that schedule is met, ADEM plans to begin the rulemaking process in August, 1994, with the regulations becoming final in January, 1995.

The public may submit written comments on EPA's tentative determination until February 10, 1994. Copies of Alabama's application are available for inspection and copying at the locations indicated in the "Addresses" section of this notice. Comments may be submitted at the public hearing as transcribed from the discussion of the hearing or in writing at the time of the hearing.

The State of Alabama proposed and passed amendments to Division 13, the Solid Waste Program, of the Alabama Department of Environmental Management (ADEM) Administrative Code to make changes necessary to implement a solid waste disposal program that is equivalent to Subtitle D of RCRA. The amendments developed by the State of Alabama became effective on November 2, 1993, and the State of Alabama's MSWLF regulations have been determined to be technically comparable to the Federal criteria.

The State of Alabama is applying for partial approval of their program for all portions of the Federal criteria except the Financial Assurance Criteria as set forth in Subpart G. The State of Alabama currently does not have statutory authority to promulgate and enforce financial assurance regulations for municipal solid waste landfills. Therefore, they are unable to satisfy this requirement at this time. According to the submitted schedule, Alabama will pursue the necessary statutory authority

and subsequently make the regulatory and program changes necessary to attain comparability with the Federal Financial Assurance Criteria as set forth in subpart G of part 258. The effects of Alabama obtaining partial approval instead of full approval should be minimal since the Federal Financial Assurance Criteria will not go into effect until after Alabama is scheduled to obtain full approval.

The State of Alabama's municipal solid waste landfill program is not enforceable within the boundaries of the designated tribal land of the Poarch Band of Creek Indians.

EPA will consider all public comments on its tentative determination received during the public comment period and during the public hearing. Issues raised by those comments may be the basis for a determination of inadequacy for Alabama's program. Region IV of EPA will make a final decision on whether or not to approve Alabama's program after all comments are received and reviewed, and will give notice of the final decision in the Federal Register. The notice will include a summary of the reasons for the final determination and a response to all major comments.

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of Section 7002 of RCRA to enforce the Federal MSWLF criteria in 40 CFR part 258 independent of any State/Tribal enforcement program. As EPA explained in the preamble to the final MSWLF criteria, EPA expects that any owner or operator complying with provisions in a State/Tribal program approved by EPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

### Compliance With Executive Order 12866

The office of Management and Budget has exempted this notice from the requirements of section 6 of Executive Order 12866.

### Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this tentative approval will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This proposed notice, therefore, does not require a regulatory flexibility analysis.

**Authority:** This notice of tentative partial program adequacy determination of Alabama's municipal solid waste permit program is issued under the authority of

section 4005 of the Solid Waste Disposal Act as amended; 42 U.S.C. 6946.

Dated: December 9, 1993.

Don Guinyard,

Acting Regional Administrator.

[FR Doc. 93-30891 Filed 12-16-93; 8:45 am]

BELLING CODE 5549-50-F

[FRL-4815-2]

**Nebraska; Final Partial Program Determination of Adequacy of State/Tribal Municipal Solid Waste Landfill Permit Program**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final partial program determination of adequacy on Nebraska's application.

**SUMMARY:** Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that Municipal Solid Waste Landfills (MSWLFs) which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR part 258). RCRA section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether States have adequate "permit" programs for MSWLFs, but does not mandate issuance of a rule governing such determinations. The EPA has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR) that will provide procedures by which the EPA will approve, or partially approve, State/Tribal landfill permit programs. The Agency intends to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus the approvals are not dependent on final promulgation of the STIR. Prior to promulgation of the STIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State/Tribal permit programs provide for interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in State/Tribes with approved permit programs can use the site-specific flexibility provided by 40 CFR part 258 to the extent the State/Tribal permit program allows such flexibility. The EPA notes that

regardless of the approval status of a State/Tribe and the permit status of any facility, the Federal criteria under 40 CFR part 258 will apply to all permitted and unpermitted MSWLF facilities.

Nebraska applied for a determination of adequacy under section 4005 of RCRA. The EPA reviewed Nebraska's application and made a tentative determination that Nebraska's permit program would be adequate to ensure compliance with 40 CFR part 258, with one exception. After consideration of the one comment received, today EPA is issuing a final determination of partial program adequacy for the Nebraska landfill permit program.

**EFFECTIVE DATE:** The determination of adequacy for Nebraska shall be effective on December 17, 1993.

**FOR FURTHER INFORMATION CONTACT:** Ms. Althea M. Moses, 726 Minnesota Avenue, Kansas City, Kansas 66101; (913) 551-7055.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

On October 9, 1991, the EPA promulgated 40 CFR part 258 for MSWLFs. Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs to ensure that facilities comply with the Federal Criteria under 40 CFR part 258. Subtitle D also requires in section 4005 of RCRA that the EPA determine the adequacy of State municipal solid waste landfill permit programs to ensure that facilities comply with the 40 CFR part 258. To fulfill this requirement, the Agency has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

The EPA intends to propose in the STIR to allow partial approval if: (1) The Regional Administrator determines that the State/Tribal permit program largely meets the requirements for ensuring compliance with 40 CFR part 258; (2) changes to a limited narrow part(s) of the State/Tribal permit program are needed to meet these requirements; and (3) provisions not included in the partially approved portions of the State/Tribal permit program are a clearly identifiable and separable subset of 40 CFR part 258. As provided in 40 CFR part 258, the EPA's Subtitle D standards took effect on October 9, 1993. Consequently, any portion(s) of 40 CFR part 258 which are not included in an approved State/Tribal program by October 9, 1993 would apply directly to

the owner/operator. The requirements of the STIR, if promulgated, will ensure that any mixture of State/Tribal and Federal rules that take effect will be fully workable and leave no significant gaps in environmental protection. These practical concerns apply to individual partial approvals granted prior to the promulgation of the STIR. Consequently, the EPA reviewed the program approved today and concluded that the State/Tribal and the Federal requirements mesh reasonably well and leave no significant gaps. Partial approval would allow the Agency to approve those provisions of the State/Tribal permit program that meet the requirements and provide the State/Tribe time to make necessary changes to the remaining portions of its program. As a result owners/operators will be able to work with the State/Tribal permitting agency to take advantage of 40 CFR part 258's flexibility for those portions of the program which have been approved.

The EPA will review State/Tribal requirements to determine whether they are "adequate" under section 4005(c)(1)(C) of RCRA. The EPA interprets the requirements for States or Tribes to develop "adequate" programs for permits or other forms of prior approval to impose several minimum requirements. First, each State/Tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to 40 CFR part 258. Next, the State/Tribe must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State/Tribe also must provide for public participation in permit issuance and enforcement as required in section 7004(b) of RCRA. Finally, the EPA believes that the State/Tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator that fails to comply with an approved MSWLF program.

The EPA Regions will determine whether a State/Tribe has submitted an "adequate" program based on the interpretation outlined above. The EPA plans to provide more specific criteria for this evaluation when it proposes the STIR. The EPA expects State/Tribes to meet all of these requirements for all elements of a MSWLF program before it gives full approval to a MSWLF program. The EPA also is requesting State/Tribes seeking partial program approval to provide a schedule for the submittal of all remaining portions of their MSWLF permit programs. The EPA notes that it intends to propose to